

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
Richard Daniel Crowder) Case No: 1:05CR201-1
Date of Previous Judgment: 8/30/06) USM No: 18856-058
(Use Date of Last Amended Judgment if Applicable)) Matthew G. Pruder
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29 Amended Offense Level: 27
Criminal History Category: III Criminal History Category: III
Previous Guideline Range: 120 to 135 months Amended Guideline Range: 120 to 120 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): Pursuant to USSG §5G1.1, the sentence imposed may not be less than the statutorily required minimum sentence. If Amendment 706 (Retroactive Crack Cocaine Amendment) had been in place at the original sentencing, the guideline sentence would have been the mandatory minimum. Therefore, Amendment 706 has no effect on the defendant's sentence.

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 8/30/06 shall remain in effect.

IT IS SO ORDERED.

Signed: May 27, 2008

Order Date: May 27, 2008

Effective Date: _____
(if different from order date)

Lacy H. Thornburg
United States District Judge

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